

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

KATHRYN KNOWLTON, *et al.*,

Plaintiffs,

v.

Case No. 20 CV 01660

CITY OF WAUWATOSA, *et al.*,

Defendants.

DEFENDANTS' ADDITIONAL PROPOSED FINDINGS OF FACT

Defendants City of Wauwatosa, Dennis McBride, Jeffrey Farina, Dominick Ratkowski, and Joseph Roy by their attorneys, Wirth + Baynard, submit the following Additional Proposed Findings of Fact pursuant to Civil L. R. 56(b)(2)(B)(ii):

1. Defendant Ratkowski's October 7, 2022, interrogatory response (9c) includes reference to specific pages of his deposition testimony—specifically pages 82-85, 101, 105, 113, and 125. (ECF No. 272-12, p. 10)

2. The referenced pages from Defendant Rutkowski's deposition testimony included the following statements regarding the Protestor List:

Q. So you decided to create a list of known protesters on your own?

A. Yes. Because that is a part of open source information and planning processes. To plan for potential violence to identify witnesses, victims and suspects of any potential violence that came out of a protest. It is a part of the intel gathering process to identify people who are actively involved in a specific incident.

(ECF 272-4, p. 82)

[I]t is a part of a tracking process of an analyst. So I - - my role is to solve -- help detectives -- part of my role is to help detectives solve crimes quicker. And with the violence that was all over Milwaukee I started monitoring and keeping track of who was involved in Milwaukee. And so if they, potentially, came to Wauwatosa, if they were violent in Milwaukee, I would like to know who they were if they, potentially, become violent in Wauwatosa.

Id. at 84.

Because this information was used to identify potential people down the line. If a violent act occurred at a protest we would be starting from scratch every single time to identify who was a victim, who was a suspect, who was a witness. This list helped us to make sure that we weren't starting from scratch in the event of a potential violent protest.

Id. at 85.

That was part of the active intelligence gathering for last year.

Id. at 101.

When some of the protests were going on, were occurring, there were a few officers that were monitoring the direction of the protests. And they liked having a list available to them so they know -- so they knew who was at the protests. So if, like I said, if something erupted out of a protest -- out of frustration or out of whatever and there was a violent -- a criminal act that occurred we would have knowledge of who may have seen it and who maybe a suspect.

Id. at 105.

The role of an analyst is to help solve crimes and make the department more effective and more efficient. So I help detectives solve crimes quicker, like, the Mayfair Mall shooting. That was solved through the use of open source information within 27 hours. So that is the goal of an analyst is to help solve crimes quickly. So that was the point of a lot of what I was doing is to preemptively identify a potential issue, at some point, down the line whether it's the next day, four years -- maybe not four years, six months down the line of a potential issue that may or may not occur. Like I said, I work -- I'm like the weather guy. My stuff may or may not be accurate, it may or may not be -- come to fruition, but it is based on the probability that something may or may not happen.

Id. at 113.

Q. Okay. And was -- what would you consider the purpose of this list was for?

A. To identify potential suspects, witnesses or victims in the event that a protest developed into an illegal act or a violent act.

Id. at 125.

Dated this 18th day of January 2023.

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